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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,520	07/02/2003	Viktors Berstis	AUS920030320US1	5248
35525	7590	03/16/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			ST CYR, DANIEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,520

Applicant(s)

VIKTORS BERSTIS

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 7, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Broadhurst, US Patent No. 6,705,532.

Broadhurst discloses a signal sequencing control means comprising: a circuit 2 having a first control line 4 and three further lines 6, 8, 10; when the voltage in control line 4 moves from a low condition to a high condition, a timed sequence of signals is initiated in the further lines 6, 8, 10 to enable the circuit; a first logic gate 14 has an output defined by control line 4 and is enabled via diode 16; a resistor 18 and capacitor 20 provides a time delay before a second logic gate 22 of the sequence is enabled; a resistor 24 and capacitor 26 provides a time delay before the third logic gate 28 of the sequence is enabled; and a resistor 30 and capacitor 32 provides a time delay before the fourth logic gate 34 of the sequence is enabled, line 4 is the output from gate 14 which then controls an electronic switch which provides the power to the smart card., when the voltage in control line 4 moves from a high condition to a low condition, the timed sequence is reversed and the circuit is disabled. This is a result of voltage passing through diode 36, which disables the fourth gate 34. The combination of resistor 30 and capacitor 26 then disable the third gate 28 after a timed delay. The combination of resistor 24 and capacitor

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20 then disable the second gate 22 after a timed delay and finally the combination of resistor 18 and capacitor 38 then disable the first gate 14 after a timed delay. The system of Broadhurst shows how the device is enable through programming and also shows how the same device is disable after a time period when the programmed timed is expired. The structure of said device is capable of performing all the method steps and the functional steps of the system/device as set forth in these claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadhurst in view of Lie, US Patent No. 4,730,285. The teachings of Broadhurst have been discussed above.

Broadhurst fails to disclose or fairly suggests destroying a portion of the device when the device is exposed to a power source.

Lie discloses an individual parking meter comprising: storage means 1; a timing means 2; a display means 3; a switch means 4; etc., wherein the meter is self-destructed (short-circuit) (i.e. exposing the device to unrestricted high power) after the parking time expires . (see col. 3, lines 26-29; figures 1, 2).

In view of Lie's teaching, it would have been obvious for a person of ordinary skill in the time the invention was made to provide an alternating means for manufacturing the electronic

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device of Broadhurst. Such modification would provide more cost effective products by eliminating maintenance cost. Therefore, it would have been an obvious extension as taught by Broadhurst.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993)., *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985)., *In re Uan Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA1982)., *In re Vogel* 422 F.2d 438, 164 USPQ 619 (CCPA 1970)',and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994 a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1 and 6-11 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/703,340, 09/703,334, 09/703,335, and 09/703,344. Although the conflicting claims are not identical, they are not patentably distinct from each other because discloses a time cell, which experiences a transition of states after a programming (charging) operation, detections element, which is located within the time cell, means for detecting a value within a charge storage.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Allowable Subject Matter

7. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record teaches a device containing a time cell, which includes storage element, circuitry for programming the time cell, discharging the time cell within a predetermined time, the prior art of record fails to disclose or fairly suggests the details structure of the time cell, including a first and second nodes, a difference amplifier connected to the first and second nodes, the second node reaches a voltage that is determined by an amount of charge stored in a floating gate of a floating gate field effect transistor, etc. These limitations in conjunction with other limitations in the claims were not shown by the prior art of record.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walton, US Patent No. 4,546,241. Werner et al, US Patent No. 6,303,980.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

DS
March 9, 2005